

\$400

JP

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

2016 JAN 14 P 11:48

RICHARD GAZAK
321 Stevens Street
Philadelphia, PA 19111,
Plaintiff,
v.

JURY TRIAL DEMANDED

CIVIL ACTION NO.

SERGEANT FRANCIS BARCLAY #332
individually and in his official capacity
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

16 0177

and

POLICE OFFICER THOMAS R. FARRELL #6239
individually and in his official capacity
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

and

POLICE OFFICER CHRISTOPHER MCCUE #2905:
individually and in his official capacity
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

and

DETECTIVE JOHN HUGHES #9048
individually and in his official capacity
1515 Arch Street, 14th Floor
Philadelphia, PA 19102,

and

DETECTIVE JOSEPH CORRIGAN #9235
individually and in his official capacity
1515 Arch Street, 14th Floor
Philadelphia, PA 19102,

Defendants.

COMPLAINT

INTRODUCTORY STATEMENT

1. This is an action for compensatory and punitive damages sustained by a citizen of the United States against police officers of the Philadelphia Police Department who unlawfully committed assault and battery upon him, falsely arrested him, filed false charges against him in an attempt to cover up the officers' own wrong doing, falsely

imprisoned him, violated his civil rights, and as a result of their aforesaid conduct wrongfully kept him from being in the presence of and caring for his 90-year old mother who suffered from, among other things, dementia.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988 and the Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 (1), (3) and (4) and the aforementioned statutory and Constitutional provisions.

3. Plaintiff, Richard Gazak further invokes the supplemental jurisdiction of this Court to hear and decide claims arising under state law as they arise out of a common nucleus of operative facts.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Plaintiff, Richard Gazak is an adult individual who resides at 321 Stevens Street, Philadelphia County, Commonwealth of Pennsylvania.

6. Defendant, Sergeant Francis Barclay, Badge #332, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. The aforesaid defendant is being sued in both his individual and official capacity.

7. Defendant, Police Officer Thomas R. Farrell, Badge # 6239, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office

located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. The aforesaid defendant is being sued in both his individual and official capacity.

8. Defendant, Police Officer Christopher McCue, Badge #2905, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. The aforesaid defendant is being sued in both his individual and official capacity.

9. Defendant, Detective John Hughes, Badge #9048, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. The aforesaid defendant is being sued in both his individual and official capacity.

10. Defendant, Detective Joseph Corrigan, Badge #9235, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. The aforesaid defendant is being sued in both his individual and official capacity.

11. At all times relevant hereto, defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan were acting in the course and scope of their employment and under color of state law and authority.

FACTS

12. On or about June 19, 2013 at approximately 11:55 p.m., plaintiff, Richard Gazak was lawfully present in the area of 321 Stevens Street, Philadelphia, Pennsylvania.

13. On the above referenced date and time, defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue unlawfully assaulted and battered plaintiff, Richard Gazak, unlawfully detained him, caused criminal charges to be falsely lodged against him, and caused him to be falsely imprisoned.

14. Specifically, on the above referenced date, time, and location, defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue came to the residence of plaintiff, Richard Gazak where he resided with his 90-year old mother, Vera Gazak who suffered from dementia, hallucinations, as well as other medical conditions, impairments, and disabilities, which caused her to need constant care from Mr. Gazak, hospice, and numerous other various medical providers.

15. Plaintiff, Richard Gazak was in the process of assisting his mother in going to the bathroom with a bed pan on her bed in her bedroom inside the aforesaid location.

16. Plaintiff, Richard Gazak's mother repeatedly tried to get up and stand, forgetting and/or not being aware of her inability to stand, ambulate, and/or otherwise physically maneuver her body without assistance; Mr. Gazak, knowing that his mother was physically unable to do move off of the bed and go to the bathroom on her own, advised his mother that she must remain in her bed and utilize the bed pan to go to the bathroom and continued to assist her in remaining in the bed and utilizing the bed pan to go to the bathroom by moving her feet and legs to keep her on the bed as she continually tried to get up.

17. During the aforesaid interaction between plaintiff, Richard Gazak and his mother, defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue, arrived at the aforesaid residence claiming to respond

to a person yelling and further claim to have heard her yelling upon their arrival at the aforesaid location.

18. When plaintiff, Richard Gazak opened the front door of the aforesaid residence to allow the defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue to enter the location, they forced their way into the residence and charged up the stairs to plaintiff's mother's bedroom

19. When defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue forced their way into plaintiff, Richard Gazak's mother's bedroom, she was using a bed pan on her bed in her bedroom to go to the bathroom.

20. Plaintiff, Richard Gazak attempted to get into the room before defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue entered his mother's bedroom so that he could cover her exposed body parts as she was using a bed pan on her bed to go to the bathroom.

21. Defendant, Police Officer Christopher McCue intentionally forced plaintiff, Richard Gazak to the ground as he attempted to assist his mother.

22. As plaintiff, Richard Gazak was on the ground, defendant, Police Officer Thomas R. Farrell held him down by placing his foot on Mr. Gazak's right upper thigh, then defendant, Police Officer Christopher McCue grabbed his t-shirt to pull him from the ground, ripped the t-shirt as he did so, spun Mr. Gazak around, and forcefully hand-cuffed Mr. Gazak.

23. Defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue escorted plaintiff, Richard Gazak out of the aforesaid location; during this time, the defendant, Police Officer Christopher McCue repeatedly kicked Mr. Gazak and then forcefully shoved him out the door and placed him into a marked police vehicle.

24. As a result of the aforesaid vicious and unprovoked assault and battery at the hands of defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue, plaintiff, Richard Gazak sustained contusions to the right buttocks, back pain, and headaches, all of which caused him unnecessary pain and suffering.

25. Subsequently, when plaintiff, Richard Gazak observed his mother being escorted out of the aforesaid location on a stretcher, he inquired of the defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue, as well as others on the scene, where his mother was going to be transported to; when they advised him that she would be transported to Einstein Hospital, he requested that she be transported to Jeannes Hospital where she typically received treatment, but they refused.

26. Defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue, or other individuals acting on their behalf, escorted plaintiff, Richard Gazak to the Second Police District where he was detained for 48 hours.

27. On or about June 19, 2013, defendants, Detective John Hughes and/or Detective Joseph Corrigan took the statement of plaintiff, Richard's Gazak's mother and treated it as reliable notwithstanding the fact that they knew or should have known that she suffered from dementia and any statements that she allegedly made were unreliable and should not have formed the basis of the filing of any Criminal Complaint against Mr. Gazak.

28. On June 20, 2013, notwithstanding that there was no probable cause to place plaintiff, Richard Gazak under arrest, defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan, directly and/or indirectly, caused plaintiff, Richard Gazak

to be arrested and charged with the following criminal charges: Criminal Attempt – Murder, Aggravated Assault, Terroristic Threats with the Intent to Terrorize, Simple Assault, Recklessly Endangering Another Person, and Neglect of Care of a Dependent Person.

29. The aforesaid charges were based upon the filing of a fraudulent police report by defendants against plaintiff, Richard Gazak.

30. As a further result of the aforesaid conduct of defendants, plaintiff, Richard Gazak's bail was set at \$75,000.00 with 10% to be posted.

31. Also as a result of the aforesaid conduct of defendants, plaintiff, Richard Gazak's was incarcerated for five (5) days at Curran Fromhold Correctional Facility

32. Subsequently, plaintiff, Richard Gazak's bail was posted and he was released on bail.

33. On September 26, 2013, plaintiff, Richard Gazak's preliminary hearing was held before the Honorable Karen Y. Simmons, at which time she discharged the charges of Criminal Attempt – Murder, Aggravated Assault, Terroristic Threats with the Intent to Terrorize, and Neglect of Care of a Dependent Person and remanded him for trial on the charges of Simple Assault and Recklessly Endangering Another Person.

34. On January 14, 2014, the Honorable David C. Shuter found plaintiff, Richard Gazak **NOT GUILTY** on the charges of Simple Assault and Recklessly Endangering another Person lodged against him.

35. At no time relevant hereto did plaintiff, Richard Gazak violate any laws or engage in any criminal behavior to justify the conduct of the defendants as directed to him.

36. At no time relevant hereto could or did defendants reasonably believe that their conduct toward plaintiff, Richard Gazak was lawful, privileged, or otherwise permissible under the laws or Constitutions of the United States and the Commonwealth

of Pennsylvania, or that the laws regarding the rights of citizens such as plaintiff was in any way unsettled.

37. The actions and/or inaction of defendants were committed deliberately, intentionally, maliciously, outrageously, willfully, wantonly, and constitute conduct so egregious as to shock the conscience.

38. Defendants engaged in the aforesaid conduct for the purpose of violating plaintiff, Richard Gazak's constitutional rights by subjecting him to excessive force and false arrest, malicious prosecution, and false imprisonment.

39. The actions and omissions of defendants deprived plaintiff, Richard Gazak of his precious rights, privileges and immunities secured unto him by the Fourth and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. § 1983; in particular, the right to be free from unreasonable force.

40. The actions and/or inaction of defendants were committed deliberately, intentionally, maliciously, outrageously, willfully, wantonly, and constitute conduct so egregious as to shock the conscience.

41. The damages suffered by plaintiff, Richard Gazak were the direct and proximate result of the conduct of defendants, jointly, severally, directly or vicariously.

42. As a result of the aforesaid, plaintiff, Richard Gazak has been and probably will in the future be obliged to spend of money for medicine and medical attention in endeavoring to treat and cure himself of injuries sustained.

43. As a further result of the aforesaid, plaintiff, Richard Gazak has suffered and will continue to suffer great mental anguish, physical pain, depression, nervousness, humiliation, personality change, and a loss of natural enjoyment of life and life's pleasures.

44. As a further result of the aforesaid, plaintiff, Richard Gazak has and may in the future be hindered and prevented from attending to his daily duties and occupation, to his great detriment and loss.

45. As a result of the conduct of defendants, plaintiff, Richard Gazak was forced to retain the services of counsel and incur legal costs and to appear in court on a number of occasions in connection with the defense of false and fraudulent criminal charges lodged against him.

46. As a direct and proximate result of the defendants' unwarranted, illegal and unconstitutional actions, plaintiff, Richard Gazak was unlawfully incarcerated and falsely imprisoned for approximately seven days.

47. As a direct and proximate result of the defendants' unwarranted, illegal and unconstitutional actions, plaintiff, Richard Gazak was unlawfully prohibited from having contact with his mother for almost approximately 1 year.

48. As a direct and proximate result of the defendants' unwarranted, illegal and unconstitutional actions, plaintiff, Richard Gazak was unlawfully prohibited from managing his mother's finances and general affairs for almost approximately one year.

49. As a direct and proximate result of the defendants' unwarranted, illegal and unconstitutional actions, plaintiff, Richard Gazak sustained the injuries as stated aforesaid, fear, horror, depression, humiliation, nervousness, and chagrin, as well as mental and emotional distress, and a loss of natural enjoyment of life and life's pleasures.

50. As a result of the conduct of defendants, plaintiff, Richard Gazak was forced to retain the services of counsel and incur legal costs and to appear in court on a number of occasions in connection with the defense of false and fraudulent criminal charges lodged against him.

51. As a result of the conduct of defendants, plaintiff, Richard Gazak was forced to retain the services of counsel and incur legal costs and to appear in court on a

number of occasions in connection with the matter involving his mother and his being removed as her guardian and caretaker.

COUNT I
PLAINTIFF, RICHARD GAZAK V. ALL DEFENDANTS
CIVIL RIGHTS VIOLATIONS

52. The allegations set forth in the preceding paragraphs, inclusive, are incorporated herein as though fully set forth.

53. As a direct and proximate result of the actions and omissions of all defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan, plaintiff, Richard Gazak was deprived of precious rights, privileges, and immunities secured unto him by the laws and Constitution of the United States.

54. All defendants, together and/or with others, conspired to violate and/or did violate the constitutional rights of plaintiff, Richard Gazak.

55. The actions of all defendants deprived plaintiff, Richard Gazak of the equal protection of the laws and their rights, privileges and immunities under the laws and the Constitution of the United States, in particular, the Fourth and Fourteenth Amendments thereof and in violation of 42 U.S.C. § 1983; his right to be free from the use of excessive force, to be secure in his person and property, his right to be free from the unlawful detention, to be secure in his person and property, to be free from unlawful seizure of her person and from false arrest, to due process of law, all to plaintiff, Richard Gazak's great detriment and loss.

56. By these actions, all defendants deprived plaintiff, Richard Gazak of the rights secured unto him by the Constitution of the United States, in particular, the Fourth and Fourteenth Amendments thereof and in violation of 42 U.S.C. § 1983.

57. The aforesaid conduct of all defendants was committed alone, together, and in conspiracy with one another.

WHEREFORE, plaintiff, Richard Gazak demands judgment against defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT II
PLAINTIFF, RICHARD GAZAK V. ALL DEFENDANTS
ASSAULT AND BATTERY

58. The allegations set forth in the preceding paragraphs, inclusive, are incorporated herein as though fully set forth.

59. As a direct and proximate result of the actions and omissions of defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue, plaintiff, Richard Gazak was placed in fear of imminent offensive and unpermitted touching and intrusions upon his person.

60. As a direct and proximate result of the actions and omissions of defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue, defendants, plaintiff, Richard Gazak suffered offensive and unpermitted touching and intrusions upon his person.

61. The actions and omissions of defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, and Police Officer Christopher McCue, as alleged in the preceding paragraphs, were done purposefully with the intent of committing assault and battery and/or were done in reckless disregard of the probability of causing plaintiff,

Richard Gazak to suffer an assault and battery and these actions did in fact result in an assault and battery, all to her great detriment and loss.

WHEREFORE, plaintiff, Richard Gazak demands judgment against defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT III
PLAINTIFF, RICHARD GAZAK V. ALL DEFENDANTS
MALICIOUS PROSECUTION AND
MALICIOUS ABUSE OF PROCESS OF LAW

62. The allegations set forth in the preceding paragraphs, inclusive, are incorporated herein as though fully set forth.

63. At all times relevant hereto, all defendants, acting within the course and scope of their employment, wrongfully, unlawfully and maliciously prosecuted plaintiff by issuing a complaint which charged him with false and fictitious crimes as stated above.

64. The actions of all defendants, as alleged in the preceding paragraphs, were done purposefully with the intent of committing malicious prosecution and malicious abuse of process of law, or were done in reckless disregard of the probability of causing malicious prosecution and malicious abuse of process of law, and these actions did in fact result in malicious prosecution and malicious abuse of process of law, all to plaintiff's great detriment and loss.

WHEREFORE, plaintiff, Richard Gazak demands judgment against defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus

interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT IV
PLAINTIFF, RICHARD GAZAK V. ALL DEFENDANTS
FALSE ARREST AND FALSE IMPRISONMENT

65. The allegations set forth in the preceding paragraphs, inclusive, are incorporated herein as though fully set forth.

66. All defendants arrested and/or caused the arrest of plaintiff, Richard Gazak without probable cause, caused criminal proceedings to be commenced and continued against plaintiff with malice and without probable cause, as a result thereof plaintiff was falsely imprisoned.

66. All defendants caused criminal proceedings to be commenced and continued against plaintiff to accomplish a purpose for which criminal process was not designed.

68. As a direct and proximate result of the actions and omissions of all defendants, plaintiff, Richard Gazak was falsely arrested and falsely imprisoned.

69. The actions and omissions of all defendants, were done purposefully with the intent of committing false arrest and false imprisonment and/or were done in reckless disregard of the probability of causing plaintiff to be falsely arrested and falsely imprisoned and these actions did in fact result in false arrest and false imprisonment, all to plaintiff's great detriment and loss.

WHEREFORE, plaintiff, Richard Gazak demands judgment against defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT V
PLAINTIFF, RICHARD GAZAK V. ALL DEFENDANTS
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS


70. The allegations set forth in the preceding paragraphs, inclusive, are incorporated herein as though fully set forth.

71. As a direct and proximate result of the reckless and intentional conduct of all defendants as described above, plaintiff, Richard Gazak has suffered substantial mental pain and suffering and severe emotional distress and injury.

WHEREFORE, plaintiff, Richard Gazak demands judgment against defendants, Sergeant Francis Barclay, Police Officer Thomas R. Farrell, Police Officer Christopher McCue, Detective John Hughes, and Detective Joseph Corrigan, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

LAW OFFICES OF HOLLY C. DOBROSKY

Dated: January 14, 2016



Holly C. Dobrosky, Esquire
Identification No. 65917
Attorney for Plaintiff, Richard Gazak
100 South Broad Street, Suite 1120
The Land Title Building
100 South Broad Street
Philadelphia, PA 19110
Telephone: 215-880-7871
Email: HDobrosky@hotmail.com

JURY TRIAL DEMAND

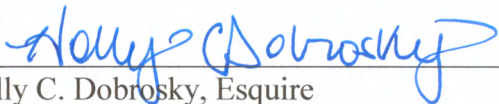
Plaintiff, Richard Gazak demands a trial by jury as to each count.

WHEREFORE, plaintiff, Richard Gazak requests the following relief, as to each cause, count and defendant:

- a) compensatory damages in excess of \$150,000.00;
- b) punitive damages;
- c) reasonable attorneys fees and costs; and
- d) such further relief as the Court shall deem just and proper.

LAW OFFICES OF HOLLY C. DOBROSKY

Dated: January 14, 2016

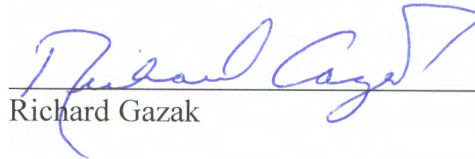


Holly C. Dobrosky, Esquire
Identification No. 65917
Attorney for Plaintiff, Richard Gazak
100 South Broad Street, Suite 1120
The Land Title Building
100 South Broad Street
Philadelphia, PA 19110
Telephone: 215-880-7871
Email: HDobrosky@hotmail.com

VERIFICATION

I, Richard Gazak, hereby verify that the within pleading is based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of the undersigned. I verify that the facts set forth in the within pleading are true and correct to the best of my information, knowledge, and belief. To the extent that the contents of the within pleading are that of counsel, verifier has relied upon counsel in making this Verification. This Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 1/10/16


Richard Gazak

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Richard E. Gazak

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Philadelphia

(c) Attorneys (Firm Name, Address, and Telephone Number)

Holly C. Dobrosky Esquire
100 South Broad St Suite 1120
Phila PA 19110

DEFENDANTSSergeant Francis Barclay #332
and et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Philadelphia

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

n/a.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)☐ 1 U.S. Government Plaintiff☒ 3 Federal Question

(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF

DEF

Incorporated or Principal Place of Business In This State

PTF

DEF

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC Section 1983, ET. Seq.

Brief description of cause:

Civil rights violations

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$150,000 +

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

JAN 14 2016

DATE

1/14/16

SIGNATURE OF ATTORNEY OF RECORD

Holly C. Dobrosky

S.T.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Richard Gazak 321 Stevens street Philadelphia PA
 Address of Defendant: Sergeant Francis Barclay #332 1515 Arch street 14th fl. Phila PA
 Place of Accident, Incident or Transaction: 321 Stevens street Philadelphia PA 19111
 (Use Reverse Side For Additional Space) 2016 JAN 14 P 11:48

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: n/a Judge n/a Date Terminated: n/a

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
 (Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
 (Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Holly C. Dobrosky Esquire, counsel of record do hereby certify:
☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
☐ Relief other than monetary damages is sought.

DATE: 1/14/16 Holly C Dobrosky 65917
 Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/14/16 Holly C Dobrosky 65917
 Attorney-at-Law Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

16**0177**

Richard Gazak

v.

Sergeant Francis Barclay
332

CIVIL ACTION

2015 JAN 14 11:48

NO.

HARD-EDPA
JAN 14 2016

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

Date

1/14/16

Attorney-at-law

Haley Dobrosky

Attorney for

Richard Gazak

Telephone

(215) 880-7871

FAX Number

215-750-1494

E-Mail Address

Hdobrosky@hotmail.com

JAN 14 2016